

BRENDAN V. MONAHAN (WSBA #22315)
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TOPP CREEK FARMS, LLC, a
Washington limited liability company,

Plaintiff,

v.

RURAL COMMUNITY INSURANCE
COMPANY a/k/a RURAL
COMMUNITY INSURANCE
SERVICES, a foreign insurance
corporation,

Defendant.

Case No.:

NOTICE OF REMOVAL
(Yakima County Superior Court, No.
18-2-00817-39)

TO: Clerk, United States District Court for the Eastern District of Washington

AND TO: Jay Carroll, Halverson Northwest Law Group, Attorney for Plaintiff Topp
Creek Farms, LLC ("Topp Creek")

1 Defendant Rural Community Insurance Company (RCIC)¹ removes this case,
2 originally filed in Yakima County Superior Court under case number 18-2-00817-39, to
3 the United States District Court for the Eastern District of Washington. RCIC removes
4 the case pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 on the grounds set forth below.

5 **Diversity Jurisdiction Exists in this Action**

6 1. The Court has original jurisdiction over this civil Action under 28 U.S.C. §
7 1332, which may be removed to this Court by RCIC under 28 U.S.C. § 1441, because the
8 amount in controversy exceeds \$75,000, as Topp Creek alleges damages exceeding
9 \$75,000 and diversity jurisdiction exists. Plaintiff Topp Creek is a business in
10 Washington. RCIC is a Minnesota company.

11 2. There are no claims in the Action that the Court must remand pursuant to 28
12 U.S.C. § 1454(d)(1), nor are there any claims in the Action that this Court may remand
13 pursuant to 28 U.S.C. §§ 1367(c) and 1454(d)(2).

17 ¹ Plaintiff erroneously described the relationship between the defense entities in the case
18 caption. Defendant Rural Community Insurance Company is the insurance company.
19 Rural Community Insurance Agency is the managing general agent, formerly operating
20 under the business name Rural Community Insurance Services.

Removal is Timely

3. On March 6, 2018, Topp Creek filed this action in the Superior Court of the State of Washington for Yakima County under case number 18-2-00817-39. Summons and Complaint, Ex. A.

4. Pursuant to RCW 4.28.080(7)(a) and RCW 48.05.200(1), the Washington State Insurance Commissioner accepted service of the Summons and Complaint on RCIC's behalf on March 14, 2018. Certificate of Service of Process, Ex. B.

5. This Notice of Removal is timely filed under 28 U.S.C. 1446(b) because fewer than 30 days have elapsed since service of the Complaint on the Washington State Insurance Commission.

RCIC Satisfied All Remaining Procedural Requirements

6. The United States District Court for the Eastern District of Washington is the federal judicial district embracing Yakima County Superior Court, where Topp Creek filed the Action. 28 U.S.C. § 128(a). Yakima is the proper division or location for the matter.

7. The Defendant RCIC consents to removal.

8. As is required by 28 U.S.C. 1446(a), a copy of the complete state court record is attached to the Verification of State Court Records, which will be filed separately within 14 days of the filing of this Notice of Removal.

1 DATED this 10th day of April, 2018.

2 STOKES LAWRENCE
3 VELIKANJE MOORE & SHORE

4 By: /s/ Brendan V. Monahan

5 Brendan V. Monahan (WSBA #22315)

6 Erika Hartliep (WSBA #33277)

7 Attorney for Defendant RCIC

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2018, I caused the foregoing document to be:

x hand delivered to the following:

J. Jay Carroll
Halverson Northwest Law Group
405 East Lincoln Avenue
Yakima, WA 98901

DATED this 10th day of April, 2018 at Yakima, Washington.

/s/ Erika Hartliep

Erika Hartliep (WSBA #33277)

Attorney for Defendant

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